

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:21-CV-00356-GCM**

DASZMAR LAMMON LOCKHART,

Plaintiff,

v.

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

ORDER

THIS MATTER comes before the Court on Plaintiff's Consent Motion for Fees Pursuant to the Equal Access to Justice Act (ECF No. 18). Plaintiff seeks \$7,500.00 in attorney's fees as the prevailing party in the underlying litigation pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. The Acting Commissioner consents to the motion. The Court has reviewed the motion and supporting materials, and concludes that the motion should be granted.

IT IS THEREFORE ORDERED that the Consent Motion for Fees Pursuant to the Equal Access to Justice Act (ECF No. 18) is **GRANTED**. The Court will award attorney's fees in the amount of \$7,500. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 589 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. The Commissioner will determine whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff's counsel. If the United States Department of the Treasury reports to the Commissioner that the Plaintiff does not owe a federal debt, the government will exercise its discretion and honor an assignment of EAJA fees and pay the awarded fees directly to Plaintiff's counsel. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

SO ORDERED.

Signed: July 25, 2022



Graham C. Mullen
United States District Judge

